

Notice of Allowability

Application No:

10/790,263

Examiner

Philip R. Smith

Applicant(s)

TAKIZAWA ET AL.

Art Unit

3739

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the correspondence of 4/28/2006.
2. ☒ The allowed claim(s) is/are 53-64.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Note on IDS

- [01] The 1449 List of References Cited which was sent in the Office action of 1/30/2006 consisted of two separate Information Disclosure Statements: a first filed 3/1/2004 and a second filed 5/20/2004, a fact that was mistakenly omitted from the Office Action Summary dated 1/30/2006. As of 1/30/2006, all submitted IDSs have been considered.

Examiner's Amendment

- [02] An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
- [03] This application is in condition for allowance except for the presence of claims 3, 5-6, 8-12, 15, 17 & 29-52 directed to a species non-elected without traverse. Accordingly, claims 3, 5-6, 8-12, 15, 17 & 29-52 have been cancelled.
- [04] Authorization for this examiner's amendment was given in a telephone interview with Mr. Tom Spinelli on 7/13/2006. The Application, specifically claims 53, 56 & 60, has been amended as follows:

53. A capsule medical apparatus comprising:
a capsule adapted to be introduced into the body to perform medical actions ~~such as examination and treatment~~;

a detecting device provided in the capsule for detecting information of the living body;

a determining device for determining whether the capsule has been evacuated from the body, the determining device comparing a value detected by the detecting device and a preset threshold value so as to determine whether the capsule has been evacuated from the body; and

a notifying device for notifying that the capsule has been evacuated from the body in response to a determining result by the determining device.

56. A capsule medical apparatus according to claim 53, wherein the capsule stops performance of the medical actions ~~such as examination and treatment~~ in response to the actuation of the notifying device.

60. A capsule medical apparatus according to claim 53, wherein the capsule is capable of selectively switching between an operating mode to nullify the function of the detecting device and make effective the function to perform medical actions ~~such as examination and treatment~~ and a standby mode to make effective the function of the detecting device and stops performance of the medical actions ~~such as examination and treatment~~.

Reasons for Allowance

[05] The following is an examiner's statement of reasons for allowance.

[06] The Prior Art does not teach a determining device for comparing a value detected by the detecting device and a preset threshold value so as to determine whether a capsule has been evacuated from the body.

[07] Imran (2002/0198470) discloses that a capsule which reaches the colon can be determined to have reached the colon according to "sensed electrical or other parameters, or by a predetermined time interval." Mizuno (6939292) discloses that "the image taking rate is varied or ON/OFF operated according to a schedule

set by the timer 31" in a capsule endoscope. Gazdzinski (2002/0103417)

discloses that "when all data acquisition is complete, the probe is deactivated"

immediately prior to "retriev[al] from the patient via normal excretory function."

Iddan (2002/0032366) discloses energy management in a video capsule according

to axial motion detection. Uchiyama (2004/0111011) discloses mode control of a

capsule endoscope based on specific space location, e.g. the duodenum and the

appendix.

- [08] Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

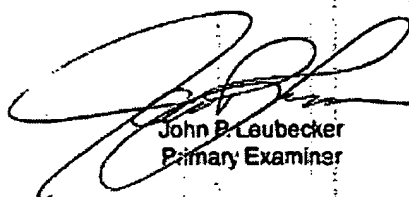
Conclusion

- [09] Any inquiry concerning this communication or earlier communications should be directed to Philip R. Smith at (571) 272 6087. The examiner can normally be reached between 9:00am and 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on (571) 272 4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
- [10] Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'P. S. H.', located on the left side of the page.A handwritten signature in black ink, located on the right side of the page, above the printed name and title.

John B. Laubecker
Primary Examiner